

REMARKS

The claims were amended in accordance with the amendments above. The amendments are being made to clarify the invention and to focus the claims on those aspects of the invention which are a commercial priority to the assignee. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

In addition, the Applicants submit that the present amendments to the claims do not raise new issues, would not require a new search, that the present amendments place the application either in better condition for allowance or in better form for appeal, and that the amendments to the claims will require only cursory review. Accordingly, Applicants respectfully request that the present amendments be entered.

Applicants appreciate the courtesies extended during the telephonic interview with the Examiner on 07/14/2005. The claims were amended as discussed in the interview. While no agreement was reached, Applicants believe that the present claims are in a condition for entry and allowance.

As discussed in the interview, each of the independent claims (claims 13, 27, and 40) were amended to recite that a computer system is used to perform the act of formatting the customer billing statement. Applicants submit that those amendments sufficiently recite structure and functionality to suggest that a computer performs the recited claims. Applicants submit that the present claims satisfy 35 USC §101.

In addition, each of the independent claims were amended to recite the act of allowing a provider of the plurality of telecommunications services to determine a format for customer billing statements relating to the plurality of communications services provided by the communications service provider, wherein the formatting is conducted in accordance with the format. Applicants note that this claim language was essentially imported into claims 13, 27, and 40 from now-cancelled dependent claims 22, 35, and

48, respectively. In other words, previously pending claims 22, 35, and 48 have essentially been re-written in independent form (as claims 13, 27, and 40, respectively).

Accordingly, given that claims 13, 27, and 40 recite essentially the same subject matter as previously-pending claims 22, 35, and 48 (because claims 22, 35, and 48 were dependent from claims 13, 27, and 40, respectively), and that previously-pending claims 22, 35, and 48 were purportedly examined when the pending Office Action was issued, Applicants submit that the amendments do not raise new issues and would not require a further search. In other words, claims 13, 27, and 40 have already been examined to the same extent that claims 22, 35, and 48 had been examined. Applicants therefore respectfully request that these amendments be entered.

In the pending Office Action, all of the claims, including claims 22, 35, and 48, were rejected under 35 USC §102(b) as being anticipated by Peters (US 5,696,906). Applicants note that, under MPEP 2131, a claim is anticipated under 35 U.S.C. §102 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. In addition, the elements in the prior art reference must be arranged as required by the claim. MPEP 2131 (emphasis added). In view of the foregoing, Applicants submit that each of the independent claims as presently amended are not anticipated by Peters.

In particular, Applicants note that each and every present claim includes the limitation that a provider of the plurality of telecommunications services is allowed to determine a format for customer billing statements relating to the plurality of communications services provided by the communications service provider, wherein the formatting is conducted in accordance with the format. In other words, the format of the billing statement may be varied subject to the provider's preference. This limitation is neither taught nor suggested by Peters, particularly in as complete detail as is contained in the claims and in the arrangement required by the claim. To the contrary, at lines 38-39 of column 29, Peters states that "[t]he invention then prepares a bill for the

subscriber on a standard format." (emphasis added). There is therefore no teaching, suggestion, or motivation in Peters to allow the format of the billing statement to be varied subject to the provider's preference as recited in the claims. Accordingly, the present claims are neither anticipated nor rendered obvious by Peters.

Applicant notes that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for novelty and non-obviousness.

To the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicants traverse the rejections and preserve all rights and arguments.

Based on the foregoing, all pending claims are in a condition for entry and allowance. Accordingly, Applicants respectfully request reconsideration, entry of the present amendments, and an early notice of allowance.

Applicants earnestly invite the examiner to contact the undersigned by telephone, at (513) 369-4811, or via e-mail at aulmer@fbtlaw.com to discuss the present amendment and any other outstanding issues.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "A. B. Ulmer", written over a horizontal line.

Andrew B. Ulmer (Reg. No. 57,003)
Frost Brown Todd LLC
2500 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202-4182
513-369-4811 (direct)
513-651-6981 (fax)

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A handwritten signature in black ink, appearing to read "Arthur B. L.", is written over a horizontal line.

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